



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

February 27, 1946

Honorable M. S. Munson, Jr.,  
County Attorney, Wharton County,  
Wharton, Texas.

Overruled by 0.7241  
*Dispos as it conflicts*

Dear Sir:

Opinion No. 0-7053

Re: Are school districts conforming to County Unit System of Transportation and receiving no other type of aid, either tuition or salary, and comprising three or more consolidated districts containing 50 square miles or more of territory, entitled to receive transportation aid only on a transportation budget without complying with the other provisions of the 49th Legislature's Rural Aid Law concerning salary aid and tuition aid?

Your recent communication addressed to the Attorney General reads as follows:

"I have been requested to take up with you the proper interpretation of a paragraph in Article V of the Rural School Aid law passed by the last Legislature reading as follows: 'Provided, however, all school districts conforming to County Unit System of Transportation and receiving no other type of aid, either tuition or salary, and comprising three or more consolidated districts containing fifty (50) square miles or more of territory, may receive transportation aid only on a transportation budget showing need therefor on the basis and at the rate provided in this Act.'

"The school district in question has applied for transportation aid only under the terms of the above quoted paragraph it complies with all of the conditions set out in the paragraph in that it receives no other type of aid, either tuition or salary and is made up of more than three consolidated districts and contains fifty square miles of territory and they believe that their application shows a need for transportation aid.

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"This character of aid is all that they want and is all that they are applying for and the question seems to be whether or not under the terms of this act they can apply for transportation aid only without complying with the other provisions concerning salary aid and tuition aid. They are now paying their teachers at a greater rate than the maximum they would pay if they complied with the terms of the salary aid provisions and they do not desire to be forced to reduce these salaries in order to get the transportation aid.

"I would appreciate it if you would advise me about this at your earliest convenience."

The quotation contained in your communication is copied from the last part of the second paragraph of Article V of S. B. No. 167, Chapter 361, Acts of the 49th Legislature, 1945.

However, Section 1 of Article I of said Chapter 361 reads in part as follows:

"No school district will be eligible for any type of aid, except tuition aid, under the provisions of this Act, which pays any salary above those specified in this Act from any state, local, or federal funds whatsoever except federal funds, used to supplement salaries of vocational teachers, home economics and trade and industries teachers, and funds from the Federal Lunch Act.

"Provided that the salaries of athletic directors, band directors or lunch room supervisors may be supplemented, from funds derived from sources other than taxes, without making the school ineligible under this Section; . . ."  
(Emphasis added.)

The salaries specified in said Rural Aid Act are listed under Sec. 2 of Article XII thereof.

You have advised that the salaries of the teachers of the district in question are above those specified in said Act. We have found no provisions in said Act whereby such a school district is excepted from the above quoted provisions of Section 1 of Article I thereof.

Therefore, it is the opinion of this department that the

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school district in question is ineligible to receive transportation aid as applied for.

Yours very truly

ATTORNEY GENERAL OF TEXAS

/s/ L. H. Flewellen

By

L. H. Flewellen  
Assistant

LEY:vms

APPROVED MAR 4, 1946

/s/ Carlos C. Ashley

FIRST ASSISTANT  
ATTORNEY GENERAL

APPROVED  
Opinion  
Committee  
By /s/ HEB  
Chairman